

Supporting Statement for Paperwork Reduction Act Submission
General Permit Application Form 3-200-1
OMB control number 1018-0092
50 CFR 13.11 and 13.12

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

All of the laws, treaties and regulations administered by the Fish and Wildlife Service (Service) that authorize activities for which a permit is required, provide the basis for our regulations in 50 CFR Part 13 (General Permit Requirements). The requirements in 50 CFR Part 13 are in addition to any other permit requirements that may apply to a specific circumstance, as outlined in other sections of subchapter B of Chapter 1, Title 50 of the CFR. Specific circumstances requiring specific permit applications are authorized under the various 3-200 application series, and are assigned sequential numbers beginning with 3-200-2. The General Permit Application, Form 3-200-1, provides the public with an opportunity to apply for a type of permit that authorizes an otherwise prohibited activity, that has not been previously identified, specifically authorized by the Service, nor assigned a number in the 3-200 application series. This allows the Service to have a general permit application available to meet an unanticipated, emergency need, as provided for in 50 CFR 13.4, whereby the Director of the Service may approve variations from the requirements of 50 CFR Part 13. Generally speaking, the Service does not anticipate the need to use Form 3-200-1; although for the circumstance described above, the Service wishes to maintain this form as a viable alternative, if needed. The appropriate sections of the laws and the implementing regulations mandating or authorizing this collection of information are attached.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

The collection of information for the issuance of permits begins with the Service's application form 3-200-1. Form 3-200-1 is essentially the cover sheet for all other sequential versions of the general permit application. This collection of information consists of the identity of the applicant and the type of otherwise prohibited activity for which the applicant seeks approval. The Service uses this information to adequately identify permit applicants to ensure the eligibility of the applicant for the proposed activity as well as to maintain accurate records and to communicate with permittees.

To improve the efficiency of this form, the Service has changed the format of Form 3-200-1 so that its information fields correspond to the data fields in the service-wide permit issuance and tracking computer system.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

We are exploring the development of a system to allow electronic submission of Form 3-200-1 in compliance with the GPEA. Currently, however, the Service must receive a hard-copy, originally signed application form by postal mail or hand delivery from an applicant. Facsimile and e-mailed signatures are not accepted but, applicants may submit any supporting documentation or information missing from the application, other than an original signature, via facsimile transmission. Form 3-200-1 is currently available on the Internet in .pdf fillable format, allowing the public to complete the form on-line and print the completed form for signature and submission.

In addition, the Service's Office of Law Enforcement (OLE) is exploring ways to establish the complete electronic processing of Form 3-200-1, including submission, processing of application fees and issuance of permits, similar to OLE's eDecs system, which allows the public to electronically submit, pay any associated inspection fees, and receive approval of, Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No duplicate information is collected elsewhere in the Service that could be used to decide whether Form 3-200-1 can be issued for an otherwise prohibited activity, that has not been previously identified, specifically authorized by the Service, nor assigned a number in the 3-200 application series. No other Federal agency collects this set of information.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

It is unlikely that small businesses will be affected by this collection of information since most often, the use of Form 3-200-1, to apply for a type of permit that authorizes a previously unanticipated and otherwise prohibited activity, would be issued to individuals, not businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The consequence of not collecting the information contained in application Form 3-200-1 is that the applicant would not be issued a permit, since the collected information is either required on the permit itself or would be needed to make the necessary findings under applicable laws and regulations. Consequently, without a permit, the proposed activity for which the applicant is seeking approval would be prohibited.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would require this information to be collected in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained

Attached is a copy of the Federal Register notice of March 16, 2004 (69 FR 12343) documenting the Service's notice requesting comments on this information collection prior to its submission to OMB. No comments were received regarding Form 3-200-1 in response to this notice. Opportunities for informal public comment may also be available through extensive personal contact with potential applicants during permit workshops, seminars, meetings and related activities conducted on behalf of various interest groups, such as zoos, big game hunters or reptile breeders. In addition, opportunities for informal public comment exist with importers and exporters of wildlife and wildlife products during the course of business as part of OLE's wildlife inspection process. However, most, if not all, of the feedback we receive from the public would pertain to a specific permit application authorized under the various 3-200 application series, and not to Form 3-200-1. Several divisions within the Service agree with OLE that Form 3-200-1, as a stand alone document, is essentially not used by the public, and as such, we believe that specific consultation with parties outside the Service regarding this form would not be fruitful.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within the General Permit Procedures regulations to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Form 3-200-1 is essentially the cover sheet for all other sequential versions of the general permit application. In this context, Form 3-200-1 itself does not address any assurance of confidentiality provided to respondents; that assurance is, however, addressed in the supporting pages of the specific permit applications of the various 3-200 application series.

If Form 3-200-1 were used to apply for a type of permit that authorizes a previously unanticipated and otherwise prohibited activity, it would include a notice concerning the Privacy Act and Paperwork Reduction Act. That notice states, among other things, that:

- The information may be subject to disclosure under provisions of the Freedom of Information Act;
- In the event that there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations; and
- In the event of litigation involving the records or the subject matter of the records, the information may be transferred to the U.S. Department of Justice.

The information collected on Form 3-200-1 is subject to the Privacy Act and is maintained in a secure system of records accessible only by authorized Service employees.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information collected on application Form 3-200-1 is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Because Form 3-200-1 is a general permit application form and is only used for a type of permit that authorizes an otherwise prohibited activity that has not been previously identified, specifically authorized by the Service, nor assigned a number in the 3-200 application series, it is estimated that no applicants will use form 3-200-1 annually. Generally speaking, the Service does not anticipate the need to use this form; although for the circumstance described above, the Service wishes to maintain this form as a viable alternative, if needed. Several divisions within the Service agree with OLE that Form 3-200-1, as a stand alone document, is essentially not used by the public. Form 3-200-1 is essentially the cover sheet for all of the various 3-200 application series forms. In that context, its hour burden estimate will be incorporated into the entire hour burden estimate for each of the various 3-200 applications and does not need to be calculated separately.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

*The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for

collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

*If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

*Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Since the Service does not anticipate the need to use this form, there should be no annual non-hour dollar cost burdens to respondents or recordkeepers.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Since the Service does not anticipate the need to use this form, there should be no annualized cost to the Federal Government.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is an overall decrease of 183 hours in the annual reporting and recordkeeping burden in item 13 of OMB Form 83-1 for OMB control number 1018-0092. This decrease requires explanation. The current OMB hour burden inventory for this collection includes an estimate of the hour burden for Form 3-200-26, a form which is not included in this renewal request. The responsibility for Form 3-200-26 has been transferred to the Service's Division of Management Authority, and is now included in the information collection assigned OMB control number 1018-0093. The transfer of this form to another OMB control number resulted in a program change of a decrease of 2,235 burden hours and nearly \$56,000 in non-hour dollar cost burden for this collection.

For Form 3-200-1 in particular, there is an adjustment of a decrease in the total annual burden hours of .64 hours and a decrease in the total annual non-hour dollar cost burden of \$100.00. This is a result of an anticipated decrease in the number of respondents using Form 3-200-1. The current OMB approval estimates that Form 3-200-1 is used four times per year. In this renewal request, the Service anticipates that the number of respondents using Form 3-200-1 will be essentially zero, as described above, which results in a slight decrease in the total annual burden hours and the total annual non-hour dollar burden.

These decreases in burden hours and dollar costs are tempered by adjustments made to the estimates for the other two forms in this collection (3-200-2 and 3-200-3). These adjustments are explained in the supporting statements that follow.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans for publication of the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Service is not seeking approval to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected by Form 3-200-1.

B. Collections of Information Employing Statistical Methods

The collection of this information does not employ statistical methods.